

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In the Matter of)
)
The Development Of Operational,)
Technical And Spectrum Requirements)
For Meeting Federal, State And Local)
Public Safety Agency Communication)
Requirements Through The Year 2010)
)
Establishment Of Rules And Requirements)
For Priority Access Service)
Access Service)

WT Docket No. 96-86

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

REPLY COMMENTS OF CBS INC.

CBS Broadcasting Inc. ("CBS"), by its attorney, hereby files reply comments in connection with the Notice of Proposed Rulemaking ("Notice") in the above proceeding, in which the Commission, among other things, is considering "technical requirements for protecting incumbent broadcast licensees and planned DTV allotments against interference" from newly allocated spectrum for public safety services in the 746-806 MHZ band.¹ As a current NTSC license on Channel 62 in Detroit, and a potential licensee of DTV Channel 65 in that market², CBS is filing these reply comments because

¹ Notice at ¶228.

² CBS's application to modify the NTSC facilities of WWJ-TV on Channel 62 in Detroit to increase its power to 5000 kW and its antenna HAAT to 327 meters was granted on April 21, 1997 (File No. BPCT-950330KF). CBS has also sought the assignment of DTV Channel 65 in order to allow the replication in the DTV environment of its modified NTSC facilities in Detroit

of its direct interest in assuring that the free over-the-air broadcast service provided by incumbent NTSC licensees and new DTV licensees in the 746-806 MHz band is not jeopardized.

As we stated in our Comments in the proceeding looking toward reallocation of the 746-806 MHz band, CBS has committed millions of dollars to upgrading its Channel 62 NTSC facility in Detroit in order to ameliorate a signal coverage problem which has seriously impaired its ability to reach its core audience with CBS Television Network and locally originated programming.³ Weakening of the interference protection standards applicable to that band during the DTV transition could undermine that effort to improve the availability of free NTSC television service in the Detroit area.

In its Report and Order reallocating the 746-806 MHz band,⁴ the Commission decided that the 24 megahertz of that spectrum comprising channels 63-64 and 68-69

without causing new interference to NTSC or DTV stations. See CBS's, Supplement to Petition for Partial Reconsideration of the Sixth Report and Order, filed in MM Docket No. 87-268 on August 22, 1997. The Commission also assigned channel 60 to CBS's owned television station in Los Angeles. In re Advanced Television Systems and Their Impact upon the Existing Broadcast Service, MM Docket No. 87-268, Sixth Report and Order, FCC 97-115, released April 21, 1997 at Appendix B.

³ Comments of CBS Inc., ET Docket No. 97-157 (September 15, 1997) at p. 2.

⁴ Report and Order, ET Docket No. 97-157, released January 6, 1998 ("Reallocation Order").

would be designated for public safety use.⁵ CBS's NTSC facility on channel 62 is adjacent to that reallocated public safety spectrum and is potentially subject to new harmful interference if appropriate protection is not mandated by the Commission in this proceeding. And, of course, the Commission's action in this proceeding could ultimately have a broader effect on commercial land mobile interference to broadcast operations throughout the 746-806 band, including channel 62. That is because the interference protection criteria which will be applicable to spectrum sharing by public safety services and broadcasters will presumably be the controlling precedent for the commercial services which will ultimately be provided throughout the rest of the reallocated spectrum.

The Commission has already stated the general principle that must govern its decision in this proceeding. That is, "NTSC and DTV full service broadcast operations on [channels 60-69] will be fully protected during the transition" to digital television.⁶ This principle was mandated by Congress in the Balanced Budget Act of 1997, which requires the reallocation of the 746-806 MHz band and directs the Commission unqualifiedly to establish "technical restrictions necessary to protect full-service analog and digital television service [on channels 60-69] during the transition to digital television service."⁷

⁵ Reallocation Order, at ¶12.

⁶ Sixth Report and Order at ¶80.

⁷ H.R. 2105, 105th Cong., 1st Sess. (1997) at §3004.

CBS supports the initial joint comments filed in this proceeding by the Association for Maximum Service Television, Inc. and the National Association of Broadcasters ("Joint MSTV/NAB Comments")⁸ insofar as they emphasize that the Commission should implement this principle by applying to the 746-806 MHz band the cochannel and adjacent channel spectrum sharing rules now generally applicable to the land mobile and broadcasting services in the 470-512 MHz band.⁹ CBS also supports the MSTV/NAB Joint Comments insofar as they recommend that further study is needed before the Commission sets interference protection criteria for digital television.¹⁰

In sum, CBS believes that Congress has struck an appropriate balance by recognizing both the increased spectrum needs of public safety users and the need for unimpaired use of the 746-804 MHz band for some terrestrial NTSC and DTV television stations during the transition to a digital free over-the-air television broadcasting system. That balance should be maintained by the Commission through adoption of interference protection standards which are no weaker than those which are now generally applicable to spectrum already shared by broadcast and land mobile services. Anything less poses

⁸ Comments on the Second Notice of Proposed Rulemaking Submitted by the Association for Maximum Service Television, Inc. and the National Association of Broadcasters, WT Docket No. 96-86, December 22, 1997.

⁹ MSTV/NAB Joint Comments at pp. 3-7.

¹⁰ MSTV/NAB Joint Comments at p.8.

too great a risk of a loss of local television service during a transition period which is already riddled with marketplace and technical uncertainty.

Respectfully submitted,

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